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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RND CONSULTING, INC., an Illinois  
Corporation,

Plaintiff,

-vs-

AHERN ENGINEERING, LLC, a Nevada  
Limited Liability Company; XTREME  
MANUFACTURING, LLC, a Nevada Limited  
Liability Company; XTREME CUBES  
CORPORATION, a Nevada Corporation,

Defendants.

CASE NO.: 2:24-CV-00713

**JOINT DISCOVERY PLAN AND**  
**[PROPOSED] SCHEDULING ORDER**  
**SUBMITTED IN COMPLIANCE WITH**  
**LR 26-1(b)**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule (LR) 26-1, Plaintiff RND CONSULTING, INC (Plaintiff) and Defendants AHERN ENGINEERING, LLC, XTREME MANUFACTURING, LLC, and XTREME CUBES CORPORATION (Defendants), by and through their counsel of record, hereby submit the following Joint Discovery Plan:

1. Meeting. The parties held a scheduling conference under FRCP 26(f) and LR 26-1(a) on June 11, 2024. Appearing for Plaintiff was Michael R. Esposito, Esq. and appearing for Defendants was Aaron S. Motschenbacher, Esq.
2. Pre-Discovery Disclosures: The parties will exchange initial disclosures 14 days after their Rule 26(f) meeting, or on **June 25, 2024**.
3. Anticipated Discovery: On all relevant matters.

4. Discovery Plan:

- a. Discovery Cut-Off Date. The first defendant answered or otherwise appeared on May 10, 2024. The discovery cut-off date is **November 6, 2024**.
- b. Amending the Pleadings and Adding Parties. The deadline to amend the pleadings and add parties is **August 8, 2024**.
- c. Expert and Rebuttal-Expert Disclosures. Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-l(b)(3) as follows: the disclosure of experts and their reports shall occur on or before **September 8, 2024**. The disclosure of rebuttal experts and their reports shall occur on or before **October 8, 2024**. The expert disclosure deadline is sixty (60) before the discovery cut-off date and the rebuttal expert disclosure deadline is thirty (30) days after the initial expert disclosure deadline.
- d. Dispositive Motions: The deadline to file dispositive motions is **December 6, 2024**. This is thirty (30) days after the discovery cut-off date, as required by LR 26-l(a)(4).
- e. Pretrial Order:. The deadline to file a pretrial order is **January 6, 2025**. Pursuant to LR 26-1(a)(5), the deadline for the joint pretrial order is 30 days after the dispositive-motion deadline and if dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.
- f. Fed. R. Civ. P. 26(a)(3): The disclosures required by this rule and any objections to them must be included in the joint pretrial order.
- g. Alternative Dispute Resolution: The parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.
- h. Alternative Forms of Case Disposition: The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The parties agreed that they would not consent to trial by a magistrate judge.

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i. Electronic Evidence: The parties certify that they discussed issues pertaining to electronic evidence in the course of discovery, and agreed to further discuss whether to present evidence in electronic format to jurors for the purpose of jury deliberations.

j. Issues Regarding Privilege or of Protection: The Parties will meet and confer regarding a confidentiality order or Rule 26(c) motion for protective order will be made as this matter involves tax documents and other documents that should be protected.

k. Electronic Service: The Parties have stipulated and agreed to accept electronic service of written discovery requests and responses by email pursuant to FRCP 5(b)(E). Counsel for each Party will provide all counsel of record with an e-service list to utilize for this purpose, and may update that list throughout the course of this matter as necessary. Service will be deemed effective if service is made upon all of that Party's current list of contacts.

l. Discovery disputes: The parties agree that before moving for an order relating to discovery, the movant must request a conference with the assigned magistrate judge.

Dated: this 24<sup>th</sup> day of June 2024.

**IT IS SO STIPULATED.**

SCHNITZER JOHNSON & WATSON, LLC

WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

/s/ Michael R. Esposito, Esq.

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**IT IS SO ORDERED.**

UNITED STATES MAGISTRATE JUDGE

DATED: 06-24-24